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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: TUMOR ANTIGENS BFA5 FOR PREVENTION AND/OR TREATMENT OF CANCER

(57) Abstract: The present invention relates to a nucleic acid encoding a polypeptide and the use of the nucleic acid or polypeptide in preventing and/or treating cancer. In particular, the invention relates to improved vectors for the insertion and expression of foreign genes encoding tumor antigens for use in immunotherapeutic treatment of cancer.

PCT/IB2004/001701

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A61K39/00 C07K14/47 According to International Patent Classification (IPC) or to both national classification and IPC **B. FIELDS SEARCHED** Minimum documentation searched (classification system followed by classification symbols) IPC 7 A61K C07K Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, PAJ, MEDLINE, BIOSIS, EMBASE, CHEM ABS Data, Sequence Search C. DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with Indication, where appropriate, of the relevant passages Category * Relevant to daim No. WO 01/47959 A (LUDWIG INSTITUTE FOR CANCER 1-35, RESEARCH; MEMORIAL SLOAN-KETTERING CANCER) 40-63 5 July 2001 (2001-07-05) cited in the application see whole doc. esp. claims and p.23 ff., seq 1d 23 X JAEGER D. ET AL.,: "identification of 1-35, tumor-restricted antigens NY-BR1, SCP-1, 40-63 and a new cancer/testis-like antigen NW-BR-3 by serological screening of a testicular library with breast cancer serum" CANCER IMMUNITY, vol. 2, 28 June 2002 (2002-06-28), page 5, XP002316851 see whole doc. esp. abstract and discussion -/--Further documents are listed in the continuation of box C. Patent family members are listed in annex. Special categories of cited documents: *T* later document published after the international filing date or priority date and not in conflict with the application but "A" document defining the general state of the art which is not cited to understand the principle or theory underlying the considered to be of particular relevance invention *E* earlier document but published on or after the international "X" document of particular relevance; the claimed invention filing date cannot be considered novel or cannot be considered to "L" document which may throw doubts on priority dalm(s) or involve an inventive step when the document is taken alone which is cited to establish the publication date of another document of particular relevance; the claimed invention citation or other special reason (as specified) cannot be considered to involve an inventive step when the 'O' document referring to an oral disclosure, use, exhibition or document is combined with one or more other such docuother means ments, such combination being obvious to a person skilled in the art. *P* document published prior to the international filing date but later than the priority date claimed *8" document member of the same patent family Date of the actual completion of the international search Date of mailing of the international search report 9 February 2005 23/02/2005 Name and mailing address of the ISA **Authorized officer** European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Mueller, F Fax: (+31-70) 340-3016

		PCT/1B2004/001/01			
	ation) DOCUMENTS CONSIDERED TO BE RELEVANT				
Category *	Citation of document, with indication, where appropriate, of the relevant passages		Relevant to claim No:		
A	JAGER DIRK ET AL: "Identification of a tissue-specific putative transcription factor in breast tissue by serological screening of a breast cancer library" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD, US, vol. 61, no. 5, 1 March 2001 (2001-03-01), pages 2055-2061, XP002205341 ISSN: 0008-5472 cited in the application the whole document				
E	WO 2004/037284 A (AVENTIS PASTEUR LIMITED; SUNNYBROOK AND WOMEN'S COLLEGE HEALTH SCIENCE) 6 May 2004 (2004-05-06) see whole doc. esp. claims		1-35, 40-62		
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Box	No. I	Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)
1.	With Inven	regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed tion, the international search was carried out on the basis of:
	a.	type of material
		X a sequence listing
		table(s) related to the sequence listing
	b.	format of material
		X in written format
		in computer readable form
	C.	time of filing/furnishing
		contained in the International application as filed
		filed together with the international application in computer readable form
		furnished subsequently to this Authority for the purpose of search
2.	X	In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3.	Addit	ional comments:
		·

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 31, 52-57 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Continuation of Box II.2

Claims Nos.: 36-39

Present claims 36-39 relate to compounds defined by reference to Table X and XI. Tables X and XI could not be identified in the description, no support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT could be identified. Consequently, no search has been carried out for these claims.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

Box II	Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)
This inter	national Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1 1 1 1	Claims Nos.: 36–39 because they relate to subject matter not required to be searched by this Authority, namely:
	Although claims 31, 52-57 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
	Claims Nos.: 36-39 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
	see FURTHER INFORMATION sheet PCT/ISA/210
	Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box III	Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)
This Inter	national SearchIng Authority found multiple inventions in this international application, as follows:
1.	As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2	As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3	As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4i	No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is estricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark o	The additional search fees were accompanied by the applicant's protest. No protest accompanied the payment of additional search fees.

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0147959	A	05-07-2001	US AU EP JP WO	6774226 B1 4903101 A 1261704 A2 2003530085 T 0147959 A2	10-08-2004 09-07-2001 04-12-2002 14-10-2003 05-07-2001
WO 2004037284	Α	06-05-2004	WO US	2004037284 A1 2004223949 A1	06-05-2004 11-11-2004